

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 cr 64-15**

UNITED STATES OF AMERICA

Vs.

RECO LAMAR MOSLEY.

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ORDER

THIS MATTER has come before the undersigned pursuant to an “Emergency Motion for Temporary Bond” (#318). In the motion, Defendant requests he be immediately released to visit with his grandmother who is gravely ill, or in the alternative, that the United States Marshal Service escort Defendant to visit with his grandmother.

Defendant’s motion does not reflect any statute or provision of law which would allow the undersigned to consider the release of Defendant. Defendant is detained pursuant to 18 U.S.C. § 3143(a)(2) as a result of his plea of guilty to an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act. The provisions of 18 U.S.C. § 3143(a)(2) are mandatory and require that a defendant be detained.


The Defendant may file a motion in the cause requesting that the Court grant relief under 18 U.S.C. § 3145(c) which require that Defendant show exceptional

reasons as to why Defendant's detention would not be appropriate. The Court would point out that the United States Marshal Service, by law, does not provide escort services for detained persons to visit with relatives. For the Defendant to be considered for such a type of relief, Defendant would have to retain a law enforcement officer that this Court would find would be suitable for the officer to escort Defendant and for that officer to agree to act as a custodian for Defendant and to transport Defendant for Defendant's visit and to transport Defendant back to the detention facility at the end of the visit. Should Defendant's counsel desire to be heard as to such a motion, the motion would have to be filed and the undersigned will hear Defendant's motion as expeditiously as possible. Sessions of court for this week are for January 25, 2017 and January 27, 2017.

ORDER

IT IS, THEREFORE, ORDERED the Emergency Motion for Temporary Bond (#318) is hereby **DENIED** without prejudice. Defendant's counsel may file another motion consistent with the instructions provided in this Order.

Signed: January 23, 2017



Dennis L. Howell
United States Magistrate Judge

